

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19789 of 2025**

Arising Out of PS. Case No.-72 Year-2023 Thana- BIRPUR District- Supaul

Dharmi Isar Son of Suaa Lal Isar Resident of Village - Lalmanpatti  
(Satanpatti) Ward No.02, P.S - Ratanpura, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, NDPS Act, High Court, Patna Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      10-04-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Birpur  
(Bhimnagar O.P.) P.S. Case No. 72 of 2023, instituted for the  
offences under Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is  
recovery of 35.72 gram of brown sugar from the car of the  
petitioner.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. Charge-sheet has been submitted in this case. No  
incriminating material has been recovered from the conscious  
possession of the petitioner. Learned counsel for the petitioner



also submits that the petitioner has got no concern with the alleged recovery of brown sugar. The petitioner was not arrested on the spot. Name of the petitioner has transpired in this case as being owner of the car in question and he had got no knowledge with regard to the alleged contraband carried in his vehicle. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 12.11.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 72 of 2023, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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